

Senate Bill No. 445

Passed the Senate April 4, 2011

Secretary of the Senate

Passed the Assembly July 5, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 6267 of the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 445, Simitian. California Public Records Act: library records.

The California Public Records Act requires state and local agencies to make their records available for public inspection and, upon request of any person, to provide a copy of any public record unless the record is exempt from disclosure. The act provides that all registration and circulation records of any library which is in whole or in part supported by public funds are confidential and shall not be disclosed to any person, except as provided.

This bill would, instead, provide that patron use records, as defined, of any library which is in whole or in part supported by public funds shall remain confidential and not be disclosed, except as provided.

The people of the State of California do enact as follows:

SECTION 1. Section 6267 of the Government Code is amended to read:

6267. All patron use records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency, to any person, local agency, or state agency except as follows:

(a) By a person acting within the scope of his or her duties within the administration of the library.

(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.

(c) By order of the appropriate superior court.

As used in this section, the term "patron use records" includes the following:

(1) Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron's name, address, telephone number, or e-mail address, that a library patron provides

in order to become eligible to borrow or use books and other materials.

(2) Any written record or electronic transaction that identifies a patron's borrowing information or use of library information resources, including, but not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources information requests, or inquiries.

This section shall not apply to statistical reports of patron use nor to records of fines collected by the library.

Approved _____, 2011

Governor